

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

CIVIL ACTION NO. 3:17-cv-05806-RJB

WASHINGTON'S MOTION TO
SEAL DOCUMENT AND ORDER

I. INTRODUCTION

In compliance with Local Civil Rule (LCR) 5(g), Washington submits this motion to permit Washington to file under seal the declaration of Kathy Oline, the Assistant Director of Research and Fiscal Analysis for the Washington State Department of Revenue. In discussing Washington's generally-applicable tax structure, Ms. Oline's declaration discloses tax information that must be treated as confidential under both federal and state law. *See* Wash. Rev. Code § 82.32.330(2).

II. AUTHORITY

This motion is brought in accordance with Federal Rule of Civil Procedure 26(c), LCR 5(g), and the terms of the Stipulated Protective Order, ECF No. 70.

Federal Rule of Civil Procedure 26(c) provides for the entry of "any order which justice requires to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense." Pursuant to LCR 26(c)(2), the Stipulated Protective Order protects specific

1 categories of confidential, proprietary, or private information, but “does not presumptively
2 entitle the parties to file confidential information under seal.” *See also* ECF No. 70 at 2, ¶ 1.

3 In support of its response to the Court’s Proposed Order, Washington seeks to file under
4 seal a declaration from a Washington Department of Revenue representative regarding a
5 taxpayer’s obligations to comply with Washington’s generally-applicable state tax laws. Such
6 information is confidential pursuant to Wash. Rev. Code 82.32.330(2).

7 **III. CERTIFICATION OF COUNSEL**

8 Washington certifies, pursuant to LCR 5(g)(3)(A), that counsel for Washington, Marsha
9 Chien, and counsel for GEO, Colin Barnacle, corresponded on October 4, 2019 regarding the
10 need to file this document under seal. Washington shared the declaration it intended to file under
11 seal accompanying its Response to the Court’s Proposed Order Granting Summary Judgment of
12 Dismissal. GEO did not agree to Washington’s filing and did not stipulate to this motion.

13 **IV. CONCLUSION**

14 Accordingly, based on Washington’s showing of good cause, the Court should enter the
15 below Order authorizing Washington to file Oline’s declaration under seal.

16 Dated this 4th day of October, 2019.

17 Respectfully submitted,

18 ROBERT FERGUSON
19 Attorney General of Washington

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ORDER

The Court, having considered the representations set forth above, and finding good cause, hereby GRANTS Washington's Motion to Seal Documents and authorizes the filing of the Declaration of Kathy Oline under seal.

IT IS SO ORDERED

Dated this 7th day of October, 2019.

A handwritten signature in black ink, reading "Robert J. Bryan", written over a horizontal line.

ROBERT J. BRYAN
United States District Judge

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